STATE OF NEW YORK

4578

2023-2024 Regular Sessions

IN ASSEMBLY

February 17, 2023

Introduced by M. of A. MCGOWAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring schools to develop a seizure action plan for students diagnosed with a seizure disorder

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 3001-e to read as follows:

§ 3001-e. Seizure action plan. 1. As used in this section, the following terms shall have the following meanings:

(a) "Seizure action plan" shall mean a document developed by the school nurse, in consultation with the parent or guardian of a student with a seizure disorder and other appropriate medical professionals who may be providing seizure disorder care to the student, which is consistent with the recommendations of the student's health care providers and which sets out the health services needed by the student at school or a school-sponsored activity, is signed by the parent or guardian and the school nurse, and shall be:

(i) kept on file in the office of the school nurse or school administrator;

(ii) distributed to any school employee responsible for the supervision or care of the student for which such plan was created and who has received proper training; and

(iii) provided annually to the board of education by the parents or guardians of the student and contain a written authorization to administer any medications listed in such plan pursuant to subdivision three of this section.

(b) "Student" shall mean a student with epilepsy or a seizure disorder who is prescribed seizure rescue medication or medication to treat

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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seizure disorder symptoms approved by the food and drug administration of the United States department of health and human services.

2. (a) The parent or guardian of a student who seeks seizure disorder care while at school or a school-sponsored activity shall inform the school nurse who shall develop a seizure action plan for the student consistent with the provisions of this section.

(b) The seizure action plan developed in accordance with paragraph (a) of this subdivision shall be updated by the school nurse prior to the beginning of each school year and as necessary if there is a change in the health status of the student.

3. Prior to the administering a seizure rescue medication or medication to treat seizure disorder symptoms, the student's parent or guardian shall provide:

(a) the board of education, board of trustees or the governing board of such student's school district and the school which such student is enrolled in with a written authorization to administer the medication at school or a school-sponsored event;

(b) written orders from the student's health care providers outlining the student's seizure disorder care including, but not be limited to, the following information:

(i) the student's name;

(ii) the name and purpose of the prescribed medication;

(iii) the prescribed dosage for such medication;

(iv) the route of administration for such medication;

(v) the frequency such medication should be administered; and

(vi) the circumstances for which such medication may be administered; and

(c) the prescribed medication in its unopened, sealed packaging with the label affixed by the dispensing pharmacy intact to the school which the student is enrolled.

4. The board of education or trustees of each school district and the governing body of each private and parochial school located within the state shall employee at each school at least one school employee who has met the training requirements necessary to administer or assist with the self-administration of:

(a) a seizure rescue medication or medication to treat seizure disorder symptoms as approved by the food and drug administration of the United States department of health and human services and any successor agency; and

(b) a manual dose of prescribed electronic stimulation using a vagus nerve stimulator magnet approved by the United States department of health and human services for responding to seizure disorder symptoms.

5. (a) All public school districts shall provide training to a building principal, guidance counselor, teacher and or any other relevant officer or agent of a board of education, including a bus driver and a classroom aide, on the recognition of the signs and symptoms of a seizure and the appropriate steps to be taken to respond to such symptoms. Such training shall take place annually or biennially.

(b) Training shall include any training programs or guidelines adopted by any state agency, the Epilepsy Foundation of America and any successor organization for the training of school employees in the health care needs of students diagnosed with a seizure disorder.

(c) Training shall be taught by a representative of a chapter or affiliate of the Epilepsy Foundation of America or any similar epilepsy service organization either by in-person training or by a live or pre-

recorded online webinar training or may be administered online through the learning management system of the Epilepsy Foundation of America.

6. If such training takes place biannually, a minimum of one hour of self-study review of seizure disorder materials shall be required for all building principals, guidance counselors and teachers during each academic year that formal training is not provided pursuant to subdivision five of this section.

7. (a) All public school districts shall provide to pupils in grades kindergarten through twelve, instruction on seizures and seizure disorders.

(b) The commissioner shall promulgate rules and regulations to establish a curriculum for instruction regarding seizures and seizure disorders that is consisted with the guidelines published by the Epilepsy Foundation of America and any successor organization regarding educating pupils on seizures and seizure disorders.

8. The school nurse shall obtain consent from the parent or guardian of a student to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. Such nurse shall also be authorized to share medical information with other employees of the school district as necessary.

9. No school employee, including a school nurse, a school bus driver, a classroom aide, or any other officer or agent of a board of education, shall be held liable for any good faith act or omission consistent with the provisions of this section. Good faith shall not include willful misconduct, gross negligence, or recklessness.

10. The board, in consultation with the commissioner, shall promulgate rules and regulations, including procedures and content for the development of a seizure action plan and the seizure education program, as they deem necessary and to effectuate the provisions of this section.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.